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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,823	10/23/2001	Kuo-Pin Wu	APIP0104USA	6940

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EXAMINER	
VUONG, JASON DUY ANH	
ART UNIT	**PAPER NUMBER**
2626	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/682,823	WU ET AL.	
	Examiner	Art Unit	
	Jason D. A. Vuong	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 13 December 2001 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 11/30/2004.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: it is missing.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. **Claim 16** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 is considered as being indefinite and unclear because it is not clear whether the network servicing program has the ability to detect the physical network, or it has the ability to communicate with the messenger server to receive the on-line user list from the messenger server.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 8, 12, 17 and 19** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,911,044 to Lo et al..

Regarding **Claim 1**, Lo et al. disclose an image capturing device (see Figure 2 Element 144) electrically connected to a servicing station (see Figure 2 Element 130), the servicing station connected to a network (see Figure 2 Element 120), an on-line user client (see Figure 2 Element 102) connected to the network, the image capturing device comprising:

a housing (see Figure 2 Element 144);

an image generating module installed inside the housing for generating image data and transmitting the image data to the servicing station (Element 144 of Figure 2 must inherently have an image generating module to generate image data, and it also must inherently have transmission mechanism to transmit the generated image data to the servicing station); and

a control circuit installed inside the housing and electrically connected to the image generating module for controlling operations of the image capturing device

(Element 144 of Figure 2 must inherently have a control circuit to control the operations of the image capturing device);

the servicing station comprising:

a driver program for commanding the control circuit to control the operations of the image capturing device (see Figure 3 Element 136);

a network servicing program for controlling communications between the servicing station and the network (see Figure 3 Element 132) and providing an on-line user list (see Figure 11 Element 604); and

an image transmitting program for transmitting the image data via the network (see Figure 3 Element 132);

wherein when the control circuit receives a start signal, the control circuit controls the image generating module to generate the image data and transmit the image data to the servicing station (it is inherent that the image capturing device comprises a "start" button, or the application software comprises a "start" button, and that when the "start" button is pressed, the control circuit will respond to the "start" signal. Upon receiving the "start" signal, the control circuit controls the image generating module to generate image data, and the image data is then transmitted to the client or the servicing station.), and then the image transmitting program transmits the image data to the on-line user client (see Figure 3 Elements 132 and 108) via the network according to the on-line user list (see Figure 11 Element 604).

Regarding **Claim 8**, the image capturing device of **Claim 1** wherein the image transmitting program transmits the image data to the on-line user client (see Figure 2 Element 102) via the network servicing program (see Figure 3 Element 132).

Regarding **Claim 12**, the image capturing device of **Claim 1** wherein the servicing station further comprises related user data which records a plurality of user information (refer to Column 16 Lines 45-51, also see Figure 11 Element 604), the network servicing program providing the on-line user list according to the related user data so that the on-line user list only lists on-line users with related user data records (see Figure 11 Element 604).

Regarding **Claim 17**, Figure 3 clearly illustrates that the client (Element 102) has a program capable of receiving image data from the servicing station (Element 130).

Regarding **Claim 19**, Figures 2 (Element 144) and 3 (Element 144) clearly shows that the image capturing device is a scanner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,911,044 to Lo et al. in view of U.S. Patent No. 5,913,072 to Wieringa.

Regarding **Claim 2**, Lo et al. do not disclose a start button installed on the housing of the scanner.

However, Wieringa discloses a start key installed on the housing of the scanner (see Figure 2 Element 42).

Therefore it would have been obvious to one skilled in the art to combine the features disclosed by Lo et al. (network scanning) with Wieringa's feature (start key installed on housing of scanner). The motivation to do so is to provide easy access and ease of use. The user can easily access the scanner and start the scanning process by just pressing the start key.

4. **Claims 3, 4, 5, 6, 7 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,911,044 to Lo et al. in view of U.S. Patent No. 5,913,072 to Wieringa.

Regarding **Claim 3**, Lo et al. do not disclose an event detector.

Benson et al., however, disclose an event detector (see Figure 2 Element 50) used in a data processing system.

Therefore, it would have been obvious to one skilled in the art to combine the event detector (disclosed by Benson et al.) with the invention of Lo et al. in such a way that when the control circuit receives the start signal, the control circuit transmits a device signal to the event detector (whether by the use of interrupts, or polling) and then the event detector notifies the driver program to receive the image data from the image capturing device. If the method of polling is used, the motivation, according to Benson et al., is to timely detect events (with the cost of excessive consumption of controller time) [refer to Column 1 Lines 49-53], or to reduce the overhead of polling for a large number of possible events (with the cost of slower polling rate) [refer to Column 1 Lines 53-57]. If interrupts are used, the motivation is to provide quick detection of events (controller must be made capable of processing interrupts at their fastest rate of occurrence) [refer to Column 2 Lines 18-23].

Regarding **Claim 4**, Lo et al. do not disclose that the control circuit generates an interrupt request to the servicing station.

However, Benson et al. disclose that an interrupt can be generated to notify the controller or the servicing station (refer to Column 1 Lines 65-67) of service requests.

Regarding **Claim 5**, Lo et al. do not disclose polling the image capturing device.

However, Benson et al. disclose the method of polling a device (refer to Column 1 Lines 19-57).

Regarding **Claim 6**, Lo et al. disclose an event table (see Figure 5 Elements 160 and 162, and also refer to Column 8 Lines 49-54) that is stored in the servicing station.

An event detector (as disclosed by Benson et al.) can be used in combination with the event table (as disclosed by Lo et al.) to notify the driver program to receive image data from the image capturing device according to the event table.

Regarding **Claim 7**, it is obvious that the servicing station (see Figure 2 Element 130) must have an operating system (OS) in order to manage and control its resources, and that every OS (Windows, Linux, Unix, Solaris, or any other derivative of those operating systems) maintains at least an event table (or its equivalent) within the OS kernel for inter-process communications.

Regarding **Claim 9**, Lo et al. disclose that the image data file is saved on the servicing station (see Figure 8E Step 494). The servicing station must contain a data storage device in order to save the image data file. The transmitting program (Figure 3 Element 132) receives the image data from the data storage device and transmits it to the client (Figure 8E Step 496).

5. **Claims 10, and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,911,044 to Lo et al. in view of U.S. Patent No. 5,542,076 to Benson et al., and in further view of U.S. Patent No. 6,816,279 B1 to Izumi et al.

Regarding **Claim 10**, the combination of Lo et al. and Benson et al. do not disclose the deletion of image data in the data storage device.

Izumi et al., however, disclose the deletion of image data in the printer's memory (refer to Column 8 Lines 57-63).

Therefore it would have been obvious to one skilled in the art to combine the image data deletion (disclosed by Izumi et al.) with the features disclosed by Lo et al. and Benson et al. in such a way that the image data is deleted after the image transmitting program receives the image data from the data storage device. The motivation to do so is, according to Izumi et al., to prevent the memory area in the data storage device from being occupied by the unnecessary image data, and to allow effective use of the memory area of the data storage device (refer to Column 8 Lines 59-63).

Regarding **Claim 11**, it is obvious that the data storage device is dynamic memory or magnetic media (refer to Lo et al.'s Figure 8E Step 494).

6. **Claims 13, 14, 15, and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,911,044 to Lo et al. in view of U.S. Patent No. 6,699,125 B2 to Kirmse et al.

Regarding **Claim 13**, Lo et al. do not disclose the on-line user list is being received from the server, and that the network servicing program transmits user information to the server via the network.

However, Kirmse et al. disclose a game server for use in connection with a messenger server where the messenger server can transmit the on-line user list to the messenger clients (refer to Column 6 Lines 7-20). Each messenger client registers with the messenger server by sending user information to the messenger server, and the messenger server (refer to Column 6 Lines 5-7). Kirmse et al. also disclose that their invention is not limited to games. Another non-game application could be used instead (refer to Column 4 Lines 11-18). So it would have been obvious to one skilled in the art to use the network scanning service (disclosed by Lo et al.) instead of the game service in connection with a messenger service. The motivation to do so is to provide interactive chat sessions among a group of users, and also to share images after being generated by the scanner; usage efficiency of the scanner also increase because it is being shared.

Regarding **Claim 14**, Kirmse et al. disclose a messenger server that contains a user list database, and a buddy list database. The user list database maintains various information about a user (refer to Column 6 Lines 5-7), and the buddy list database maintains information about a group of users. The messenger program only lists on-line users according to the buddy list (refer to Column 6 Lines 7-20, and also see Figures 8, 9, and 10).

Regarding **Claim 15**, Kirmse et al. disclose that the messenger users must be enrolled or registered users (Column 6 Line 6). So it is clear that the messenger server provides user registration and group service.

Regarding **Claim 16**, Lo et al. do not disclose the network servicing program detects the network directly to provide the on-line user list.

However, Kirmse et al. disclose such feature (see Figure 11B). So it is clear that the game client or the messenger client (the network servicing program) has the ability to detect and communicate with the server to get the on-line user list.

Therefore it would have been obvious to one skilled in the art to combine Kirmse et al.'s feature (connecting to the server to get the on-line user list) with Lo et al.'s features (network scanning service) in such a way that the network servicing program can receive the on-line user list from the server. The motivation to do so is to provide easy database management; since the user list and buddy list databases are stored at a central server, it is easy to manage. It would be difficult if the databases are stored at non-centralized locations; database management must be done at every location since the information is stored in a scattered fashion.

7. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,911,044 to Lo et al. in view of U.S. Patent No. 6,587,129 B1 to Lavendel et al.

Regarding **Claim 18**, Lo et al. do not disclose that the image transmitting program generates a preview image, and then transmits it to the client (the client will then decide whether to receive the image data after seeing the preview image.

However, Lavendel et al. disclose a scanning application that generates a preview (see Figure 7). Also, it is conventional, well known and expected that a scanning application is capable of generating a preview image.

Therefore, it would have been obvious to one skilled in the art to combine Lo et al.'s features (network scanning) with the preview feature disclosed by Lavendel et al. in such a way that the client would receive a preview image before making a decision of receiving the actual image data. The motivation to do so is to give the client an opportunity to verify or confirm the reception of image data; further, if the client decides not to receive the image data (after viewing the preview image), network bandwidth is not wasted.

8. **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,911,044 to Lo et al. in view of U.S. Patent No. 6,353,848 B1 to Morris.

Regarding **Claim 20**, Lo et al. do not disclose the use of a digital camera as the image capturing device.

However, Morris discloses the sharing of an image capturing device on a computer network, and the image capturing device is a digital camera (see Figure 1A Element 300, and also refer to Column 7 Line 40).

Therefore it would have been obvious to one skilled in the art to combine Lo et al.'s features (network scanning) with Morris's disclosed feature (digital camera as the image capturing device). The motivation to do so is to quickly and easily share images among a group of users; the users no longer have to waste time and money to obtain a printed copy of the image and then scan it. With the use of digital cameras images can be shared almost instantly.

Conclusion

Any inquiry concerning this communication or earlier communications should be directed to Jason Vuong at 703-306-4157. The examiner can normally be reached on Monday-Friday from 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's trainer, Joseph Mancuso can be reached at 703-305-3885.